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SUBJECT: ENCOURAGING SIGNALS FROM COMMISSION AND DUTCH
PRESIDENCY ON TURKEY

REF: A. NICOSIA 1288

[1](#)B. PARIS 5495

[1](#)C. USEU BRUSSELS 3225

[1](#)D. ANKARA 4133

Classified By: Rick Holtzapple, PolOff, Reason 1.4 (B/D)

SUMMARY

[1](#)1. (C) In meetings on July 26-27 in Brussels with Dutch Presidency, Commission and Council officials, EUR DAS Laura Kennedy heard guardedly optimistic assessments from all that the EU, at its summit this December, would reach a positive decision on opening EU accession negotiations with Turkey next year. All officials, including acting Director General for Enlargement Barbaso, excluded the possibility that the Commission's October report to the EU leaders would recommend against opening negotiations with Turkey. But they also indicated that an unequivocal "Yes" was also unlikely. Much discussion from now to October between Commission staff, Commissioners, and the Dutch Presidency will be on how much contextual language the Commission should include about areas where Turkey should continue to progress. All interlocutors added that while Turkey should be encouraged about a likely good result, Ankara must not be complacent or presumptuous about its status. Nonetheless, the Dutch Presidency said its preference for the December decision would be a clear decision that sets a date, with no need for any further decisions by the EU prior to the commencement of negotiations. If they are able to secure this outcome, any language on "conditionality" would be unimportant, and should not spark a negative reaction from the Turks. Every EU official cited the recent visit of PM Erdogan to Paris, and French President Chirac's positive comments about Turkey's candidacy, as making a "yes" in December much more likely. At the same time, they were generally dismissive of the chance that the government of Cyprus would veto the decision; "they wouldn't dare," said one official. (COMMENT: Given Nicosia's recent behavior in the Council - see REF C - we fear the EU may be underestimating this risk.) END SUMMARY.

[1](#)2. (U) This is a joint USEU/Embassy The Hague report. DAS Kennedy's discussions on Cyprus are covered Ref C.

[1](#)3. (U) On July 26 and 27, DAS Kennedy met with a team of Dutch Presidency officials (Pieter de Gooijer, MFA Director for European Integration; Hannie Pollmann-Zaal, Director for Western and Central Europe; and Jurriaan Kraak, Enlargement Counselor of the Dutch PermRep in Brussels) as well as, in separate sessions, with Fabrizio Barbaso, the Commission's acting Director General for Enlargement; Matthias Ruete, DG Enlargement's Director for Turkey, Romania and Bulgaria; and Christoph Heusgen, Director of the Council's Policy Planning Unit. She also met with Turkish Ambassador to the EU Mustafa Oguz Demiralp.

COMMISSION REPORT DUE ON OCTOBER 6

[1](#)4. (C) Barbaso and Ruete said that the European Commission (EC) report on Turkey, scheduled for approval by the college of all 30 Commissioners on October 6, would have three parts. The first part, which Barbaso said the EC had already begun drafting, would be an assessment of Turkey's progress in meeting the EU's Copenhagen Criteria (political, economic and administrative) for EU membership. Most important will be on the political criteria, including democratic practice, rule of law and human rights, which must be adequately fulfilled before accession negotiations could begin. The focus will be on Turkish progress since the EU Summit of December 2002, when the EU set this December as a deadline for a decision on Turkey's candidacy.

[1](#)5. (C) Barbaso said that in regulatory and legislative terms Turkey has achieved an enormous amount in the last two years. A couple of necessary pieces of legislation are outstanding such as the revised penal code and the foundations law, but the EC was confident that Ankara would deliver on its promises to get these passed. More difficult for the EC to assess is the implementation of these reforms. Barbaso observed that the Member States in the EU Council clearly knew in December 2002 that two years was not enough time to allow for absolute implementation everywhere on everything.

But Ruete commented that implementation was the "real worry."
The key issue will be if progress appears "sustained enough" to be confident that full implementation will eventually be achieved.

WHAT TURKEY NEEDS TO DO

16. (C) Ruete listed several key areas being watched and where Turkey should continue progress. First was the continued harassment "by the deep state" of defenders of human rights, including prosecutors bringing cases against activists. Another was the delay in returning internally displaced persons and refugees to their homes, especially in the southeast. On this, he said, Turkey could improve cooperation with the UN. Ruete also highlighted the issue of religious freedom and the foundations law, where the Christian groups had been particularly vocal. He described this as an "exaggerated" issue that was being treated disproportionately, noting that the draft report has more pages on this issue effecting some 60,000 people than it does on the Kurdish issue. But nevertheless, religious freedom was a politically powerful issue for EU politicians and publics. Minority rights, especially Kurdish language and education rights, were another big issue for implementation. The changes to date are "great successes", but progress is still "in its infancy", he said. Ruete added we should not forget steps such as revision of the Penal Code, appointment of a civilian as head of the national security council, and resolution of the Leyla Zana case -- even if, for now, this appear well in hand.

17. (C) Ruete and Barbaso noted that the EC was collecting information on these issues constantly, drawing on reports from Commission and Member State officials on the ground, reports and meetings with NGOs, and other sources. Ruete said it was ironic that one of the most critical and negative assessments of Turkey in the last 12 months was the State Department's annual human rights report, which he said read as a simple litany of anecdotes, without any real analysis. He understood DAS Kennedy's point that certain rigidities in the required reporting format could make the report appear more critical than it was, but said it was an "unhelpful distraction." He was relieved to hear that the next report was not due until well after the EU's December decision.

18. (C) Both Barbaso and Ruete commented on the issue of Turkey's relations with Cyprus. Overall, the lack of a settlement on the island should have no connection to the assessment of Turkey's readiness for accession negotiations, and in any case, no one in the EU was blaming the Turks for the collapse of the process. One potential problem, however, is Turkey's non-recognition of the Republic of Cyprus, and particularly the complications that has created in expanding Turkey's customs union (the Ankara Agreement) to cover the enlarged EU (REF A). Ruete said Ankara just needs to accept it has to be willing to negotiate "with all 25." DAS Kennedy said her impression after meetings in Ankara was that the GoT understood the issue and was committed to reaching some accommodation on the issue (see Ref D for GoT comments on this and other aspects of Turkey's EU bid). All EU officials (Commission, Council and Dutch) also commented that a unilateral and symbolic gesture by Turkey on troop withdrawals from the island would also be very well-received.

But they all nodded their heads vigorously in response to DAS Kennedy's observation that Turkey would find this nearly impossible to do as long as the EU's own measures to end the isolation of the north of the island are stalled (Ref C).

ASSESSING THE IMPACT ON THE EU

19. (C) The second part of the EC's October report will be an Impact Assessment of Turkish accession on the EU. Ruete said that a similar report had been done by the EC in 1997 on the accession of the central and east European members. So there is nothing new in this process, he said, and the Commission needed to describe to Member States what the sectoral impacts of adding the Turkish state and economy to the EU could be in areas such as labor markets, justice and home affairs, agriculture, as well as on the EU budget.

WHAT WILL THE COMMISSION RECOMMEND?

10. (C) The most important, and most closely negotiated, part of the October report will be the Commission's recommendation on whether the Council should decide to open negotiations with Turkey. Ruete said he had not even begun to try drafting this (likely brief) section, until he had a chance to discuss with his "political masters," especially Enlargement Commissioner Verheugen. Ruete anticipated these discussions would only begin at the end of August. As he is certain these discussions would leak, he did not want them to begin any earlier than necessary.

11. (C) None of our interlocutors, including Barbaso and Ruete, expect the Commission's recommendation would be a flat "No" or "we'll look again next year." Either, the Council's Heusgen said, would be a "disaster." At the same time, none thought it very likely that the recommendation could be a simple "Yes." Ruete and Barbaso stressed that the key would be what language came with the "yes." Would it be "Yes, but only after Turkey has done X, Y and Z;" or would it be "Yes, assuming Turkey continues to make progress on issues including X, Y, and Z." Ruete observed that there were an infinite variety of formulas that could be devised. (NOTE: In a separate meeting, Turkish Amb. Demiralp argued that the "yes, assuming..." version would be most consistent with the Commission's most recent precedent on Croatia, where the Commission listed six areas within the political criteria requiring "additional efforts", but still recommended that negotiations "should be opened." END NOTE.)

12. (C) Ruete flagged that devising language that would be approved by the full Commission was no simple task, and all 30 Commissioners will have a vote at the October meeting. He noted that on previous occasions some Commissioners have tried to influence the wording of the Commission's recommendations for other candidates, and this would likely be true again. Ruete said Verheugen would begin the process by testing his preferred version with key Commissioners, including President Prodi and President-designate Barroso. To avoid a potentially long and ugly debate, Ruete said the final draft of the report and recommendation would only be presented to the full Commission a couple of days before the October 6 vote. (NOTE: De Gooijer said the Dutch Presidency was already in close contact with the Commission, to try and make sure there were "no vetoes, no surprises." END NOTE.)

13. (C) Both de Gooijer and Heusgen believed, and Ruete implied, that Verheugen leans strongly in favor of "Yes, assuming...". But Ruete was concerned that a clear positive recommendation could be torpedoed in the full Commission, especially if some negative external event such as a terror attack or heavy-handed police action soured the mood -- and he warned that some anti-EU forces in Turkey might try to stage such an event.

MORE IMPORTANTLY, HOW WILL THE COUNCIL RESPOND?

14. (C) Heusgen said he thought Turkey "is a done deal" with the only question being what date would be set for opening negotiations, since the Council might decide to follow the Croatia example and build in a several month period for "screening legislation." De Gooijer, by contrast, opened his discussion by saying "it is not as if it is a done deal." He said the Presidency would give no indications of how the Council will handle the issue until after the October report is out, other than to say that no additional criteria could be added to the basic Copenhagen criteria. De Gooijer felt all Member States expected the Commission to be positive, but not definitive, with language referring to the need for further implementation. De Gooijer speculated this could allow for a Council decision at the EU Summit on December 17 that would set out a time frame during which these additional efforts could continue in preparation for beginning negotiations. But de Gooijer was quite clear that the Dutch did not want to establish a process that would require any further action by the Council before negotiations began, but rather a decision that the negotiations should start after an appropriate time. De Gooijer added that he was sure there would "be lots of words around this simple conclusion" but that the Dutch Presidency "firmly intended" to get a real decision on Turkey. (NOTE: Amb. Demiralp, for his part, argued negotiations should open by March 2005 if they were to be "without delay" as promised in Copenhagen. END NOTE.)

15. (C) This approach would be controversial with some Member States, de Gooijer predicted. But it was the Presidency's responsibility to devise a formula that could bridge the gaps. He said a key element of this would be for the December summit decision to also include some language to "set the context for the negotiations." "Turkey is not Latvia," he said, and Turkey's eventual membership would compel revision of many core EU policies and programs, such as agricultural supports. This will be clearer after the Commission's impact assessment, but de Gooijer said it could be important for the Dutch to lay out some ideas on these issues in order to get all Member States on board with a decision to open negotiations. What it could not involve, however, was some sort of special or unique status for Turkey within the EU. The final outcome would have to be Turkey as a "Member State like all the others."

16. (C) Asked about which Member States might balk on a positive decision on Turkey, all of the EU officials noted that President Chirac's positive comment (REF B) after PM Erdogan's recent visit to Paris was a very positive and important development. Ruete said Austria was still very skeptical and faced domestic problems on the issue, and added that Denmark still appeared "uncertain." He also worried

about the possibility of "sleeper" opposition among some of the new Member States such as Hungary.

17. (C) And then there is Cyprus. Barbaso and Ruete could not predict how Papadopoulos might behave. Heusgen argued Nicosia "wouldn't dare" block consensus on such an important issue, and would buckle under pressure from Blair, Chirac and Schroeder. Similarly, de Gooijer said that, while the GoC has vital interests with Turkey, so does the EU. Nicosia could not be allowed to dictate EU policy toward Turkey on its own. Hannie Pollmann noted that GoC officials have told her they would see more opportunities for leverage during negotiations than by blocking the opening of negotiations. De Gooijer also underlined the role of Greece, who the Dutch believe will continue to strongly favor opening negotiations as a way of improving vital bilateral relations with Turkey. He said the Dutch were very sensitive that they needed to "make it possible for Athens to play a constructive role in December," implying this could lead to a softer approach in the ongoing debates (REF C) about taking measures to help the Turkish Cypriots.

HOW THE U.S. CAN HELP

18. (C) All of the EU officials stressed that U.S. advocacy should be behind the scenes and not in public, to avoid any risk of backlash. De Gooijer, Barbaso and Ruete all commented that the U.S. could help reinforce the message to Ankara not to be complacent, and to continue with the reform process. They all specifically mentioned encouraging Turkey to help find a solution to the Customs Union issue over Cyprus. Ruete added that it could also be helpful for the U.S. to bolster some of the Member States, particularly the new Members from central and eastern Europe, on the value of a positive decision on Turkey, a view UK officials also expressed to Kennedy in London (septel).

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